

## \*\* SECTION 362 INFORMATION SHEET \*\*

Neils Christiansen and Elizabeth Christiansen  
DEBTOR

Chapter 13  
Case No.: 08-10905-bam

Wells Fargo Bank, N.A.

MOVANT

PROPERTY INVOLVED IN THIS MOTION: 171 East Ember Street, Pahrump NV 89048

NOTICE SERVED ON: Debtor(s)  : Debtor(s) Counsel  ; Trustee

DATE OF SERVICE: \_\_\_\_\_

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1<sup>st</sup> Wells Fargo Bank, N.A. \$197,491.49 (PB)

Total Encumbrances: \$197,491.49

APPRAISAL or OPINION as to VALUE:

"Per attached Schedule "A" \$220.000.00

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1<sup>st</sup> \_\_\_\_\_

2<sup>nd</sup> \_\_\_\_\_

Total Encumbrances: \$ 197,491.49

APPRAISAL or OPINION as to VALUE:

220,000.00

TERMS OF MOVANT'S CONTRACT  
WITH THE DEBTOR

Amount of Note: \$208.785.00

Interest Rate: 6.379999999999999

Duration: 30 Year

Payment Per Month: \$1,733.09

Date of Default: January 1, 2010

Amount of Arrearages:

4 Monthly Payments at \$1,733.09 \$6,932.36  
(February 1, 2010 - May 1, 2010)

4 Late Charges at \$52.10 \$208.40  
(February 1, 2010 - May 1, 2010)

Motion for Relief Filing Fee \$150.00  
Attorneys Fees \$750.00

Total \$8,040.76

Date of Notice of Default: December 28, 2007

SPECIAL CIRCUMSTANCES: I, Gregory L.

Wilde, hereby certify that an attempt has been made to confer with debtor(s) counsel, or with debtor(s) and that more than two (2) business days have expired, and that after sincere effort to do so, counsel has been unable to resolve this matter without court action.

SUBMITTED BY: \_\_\_\_\_

SIGNATURE: Neils Christiansen #10099

OFFER OF "ADEQUATE  
PROTECTION" FOR MOVANT:

*Make July timely,  
Arrears over 6 mos  
Starting 7/20/10  
Request accounting*

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: ST. Wilde

SIGNATURE: ST. Wilde

1 NEWARK & NEWARK LAW FIRM  
2 RICHARD C. NEWARK, ESQ.  
3 Nevada Bar #002763  
4 NARRAH F. NEWARK, ESQ.  
5 Nevada Bar #008201  
6 201 Las Vegas Blvd, S., #350  
7 Las Vegas, NV 89101  
8 (702) 888-2525  
9 Fax: (702) 888-2526  
10 E-mail: BK@nnbk law.com  
11 Attorneys for Debtor(s)

E-Filed on June 8, 2010

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re: ) Chapter 13  
10 **NEILS CHRISTIANSEN** ) Case No. 08-10905-bam  
11 **ELIZABETH BRYANT-CHRISTIANSEN** )  
12 Debtor(s). ) DATE: 6/29/2010  
13 \_\_\_\_\_ ) TIME: 1:30 p.m.

14 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

15 COMES NOW, the Debtors, NEILS CHRISTIANSEN and ELIZABETH BRYANT-  
16 CHRISTIANSEN, by and through their attorneys, NARRAH F. NEWARK &  
17 NEWARK LAW FIRM, and respectfully requests this Court to deny the MOTION FOR  
18 RELIEF FROM THE AUTOMATIC STAY filed by WELLS FARGO BANK NA, by and  
19 through its attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY &  
BOSCO.

20 **POINTS AND AUTHORITIES**

21 11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition  
22 stay

23 "for cause, including the lack of adequate protection of an  
24 interest in property of such party in interest;--"

25 11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay  
26 "with respect to a stay of an act against property under  
subsection (a) of this section, if-

27 (A) the debtor does not have an equity in such  
28 property AND  
...  
13

1 (B) such property is not necessary to an effective  
2 reorganization

3 **STATEMENT OF FACTS**

4 Debtors' property has liens of approximately \$197,491.49 for the property located  
5 at 171 Ember Street, Pahrump, NV 89048, and the home is necessary for an effective  
6 reorganization. Debtors believes that they have minimal equity in the property.

7 11 USC Section 362 (d) (1) may apply as:

8 1. Debtors acknowledge that if they are late on the post petition mortgage  
9 payments, they will need some time to acquire the necessary funds to cure all post-petition  
10 arrearages.

11 2. Debtors advise that recent payments have been made on this account and  
12 request an accounting of their post-petition payments to see where the funds were applied.

13 3. Debtors would like to enter into an Adequate Protection Order and propose  
14 the following:

15 a. Make the July payment timely; and  
16 b. Pay any arrears over six months beginning July 20, 2010.

17 4. Debtors are beginning the process of a loan modification with the lender and  
18 are waiting for the original packet to fill out and return. However, Debtors' intention is to  
19 stay current on future post-petition mortgage payments.

20 THEREFORE, Debtors request that the motion filed be denied under 11 USC  
21 Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate  
22 amount of time to allow Debtors to become current on the post petition mortgage  
23 arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

24 Respectfully submitted:

25 NEWARK & NEWARK

26 By: /s/ NARRAH F. NEWARK  
27 NARRAH F. NEWARK, ESQ.  
NB#008201  
28 Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION  
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on June 8, 2010, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

WF Bank  
c/o Greg Wilde, Esq.  
Wilde & Associates  
208 S. Jones  
Las Vegas, NV 89107  
**VIA FACSIMILE & ECF**

9 Rick Yarnall, Trustee  
701 E Bridger #820  
10 Las Vegas, NV 89101  
**VIA ECF**

11 Neils Christiansen  
12 Elizabeth Bryant-Christiansen  
13 171 Ember Street  
13 Pahrump, NV 89048

/s/ Betsy L. Smith  
An employee of NEWARK & NEWARK LAW FIRM